

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Application of Pacific Gas And Electric
Company (U 39-E) for Approval of 2008-
2020 Air Conditioning Direct Load Control
Program

Application No. A. 07-04-009
(Filed April 6, 2007)

MOTION FOR CROSS EXAMINATION OR HEARING

LISE H. JORDAN
MARY GANDESBERY

Law Department
Pacific Gas and Electric Company
77 Beale B30A
San Francisco, CA 94105
Telephone: (415) 973-0675
Fax: (415) 973-5520
magq@pge.com

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

Dated: October 3, 2007

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OF THE STATE OF CALIFORNIA**

Application of Pacific Gas And Electric
Company (U 39-E) for Approval of 2008-
2020 Air Conditioning Direct Load Control
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MOTION FOR CROSS EXAMINATION OR HEARING

Pacific Gas and Electric Company (PG&E) respectfully submits this Motion for Cross – Examination or Hearing pursuant to the Assigned Commissioner’s Scoping Memo and Ruling dated July 17, 2007. The last day to file this Motion was extended until October 3, 2007 by ruling of Administrative Law Judge (ALJ) Karl Bemesderfer on September 25, 2007.

PG&E submits that the written testimony offered by the Division of Ratepayer Advocates (DRA) and the Utility Reform Network (TURN) do not raise disputed issues of material fact that will require resolution through evidentiary hearings. Neither DRA nor TURN questions the need for an AC load control program in PG&E’s service area or the size of the proposed program. Instead, DRA and TURN principally focus on three issues: program design, budget, and cost recovery. While these are important issues to be resolved in this proceeding, they largely raise policy issues that are appropriate for determination without evidentiary hearings.

If evidentiary hearings are not scheduled in this proceeding, PG&E requests the Commission to establish a discovery cut off date and a process to allow the parties to designate data responses for inclusion in the evidentiary record in this proceeding. PG&E also requests

that the ALJ revise the schedule for opening and reply briefs that is included in the Scoping Memo and Ruling dated July 17, 2007. PG&E suggests the following revised schedule:

Responses to discovery due:	October 12, 2007
Proposed designation of exhibits to be admitted into the record:	October 15, 2007
Objection to proposed designations:	October 16, 2007
Concurrent Opening Briefs:	October 29, 2007
Closing Briefs:	November 5, 2007

PG&E requests a full opportunity to conduct cross-examination of DRA's and TURN's witnesses if evidentiary hearings are scheduled in this proceeding to clarify their proposals and the impact of their proposals on PG&E's ability to enroll sufficient numbers of customers in its proposed AC program without significantly increasing the customer incentives. PG&E estimates cross examination of the DRA and TURN witnesses can be completed in approximately three hours, for a total of six hours.

Respectfully submitted,

PACIFIC GAS AND ELECTRIC COMPANY

/S/
By MARY A. GANDESBERY

Attorney for
PACIFIC GAS AND ELECTRIC COMPANY
Post Office Box 7442
San Francisco, CA 94120
Telephone: (415) 973-0675
Facsimile: (415) 973-5520
Email: magq@pge.com

Dated: October 3, 2007

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of “**MOTION FOR CROSS EXAMINATION OR HEARING**” on all known parties to the official service list for A.07-04-009:

- transmitting an e-mail message with the document attached to each party providing an email address; or
- by first-class mail, postage prepaid, to each party not providing an email address.

Executed on October 3, 2007, at San Francisco, California.

/s/
MARTIE L. WAY

**THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
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Commissioner Assigned: Rachelle B. Chong on April 13, 2007; ALJ Assigned: Karl Bernesderfer on April 13, 2007

CPUC DOCKET NO. A0704009

In the Matter of the Application of PACIFIC GAS AND ELECTRIC COMPANY (U 39-e) for Approval of 2008-2020 Air Conditioning Direct Load Control Program.	Application 07-04-009
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agc@cpuc.ca.gov;dhungerf@energy.state.ca.us;dnl@cpuc.ca.gov;jeff@jbsenergy.com;jwwd@pge.com;K
aren.Herter@h-m-
g.com;kjb@cpuc.ca.gov;LATc@pge.com;lms@cpuc.ca.gov;magq@pge.com;mrw@mrwassoc.com;mshe
rida@energy.state.ca.us;nsuetake@turn.org;pthompson@summitblue.com;pxo2@pge.com;shn@cpuc.c
a.gov;skg@cpuc.ca.gov;SRH1@pge.com;

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CPUC DOCKET NO. A0704009 CPUC REV 08-22-07

Total number of addressees: 18

MRW & ASSOCIATES, INC.
1814 FRANKLIN ST, STE 720
OAKLAND CA 94612
Email: mrw@mrwassoc.com
Status: INFORMATION

Karl Bemederfer
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
505 VAN NESS AVE RM 5006
SAN FRANCISCO CA 94102-3214
Email: kjb@cpuc.ca.gov
Status: STATE-SERVICE

Andrew Campbell
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
505 VAN NESS AVE RM 5203
SAN FRANCISCO CA 94102-3214
Email: agc@cpuc.ca.gov
Status: STATE-SERVICE

MARY A. GANDESBERRY ATTORNEY
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST
SAN FRANCISCO CA 94105
FOR: Pacific Gas and Electric Company
Email: magq@pge.com
Status: APPEARANCE

Sudheer Gokhale
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY RESOURCES & PRICING BRANCH
505 VAN NESS AVE RM 4209
SAN FRANCISCO CA 94102-3214
FOR: DRA
Email: skg@cpuc.ca.gov
Status: STATE-SERVICE

STEVEN R. HAERTLE
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST, B9A
SAN FRANCISCO CA 94105
Email: SRH1@pge.com
Status: INFORMATION

KAREN HERTER
HESCHONG MAHONE GROUP, INC.
11626 FAIR OAKS BLVD. NO. 302
FAIR OAKS CA 95628
Email: Karen.Herter@h-m-g.com
Status: INFORMATION

DAVID G. HUNGERFORD
CALIFORNIA ENERGY COMMISSION
DEMAND ANALYSIS OFFICE
1516 NINTH ST., MS-22
SACRAMENTO CA 95814
Email: dhungerf@energy.state.ca.us
Status: STATE-SERVICE

Dorris Lam
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
505 VAN NESS AVE AREA 4-A
SAN FRANCISCO CA 94102-3214
Email: dnl@cpuc.ca.gov
Status: STATE-SERVICE

JEFFREY NAHIGIAN
JBS ENERGY, INC.
311 D. ST
WEST SACRAMENTO CA 95605
Email: jeff@jbsenergy.com
Status: INFORMATION

PETER OUBORG ATTORNEY
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST, B30A
SAN FRANCISCO CA 94105
FOR: Pacific Gas and Electric Company
Email: pxo2@pge.com
Status: APPEARANCE

Lisa-Marie Salvacion
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
505 VAN NESS AVE RM 4107
SAN FRANCISCO CA 94102-3214
FOR: DRA
Email: lms@cpuc.ca.gov
Status: APPEARANCE

MARGARET SHERIDAN
CALIFORNIA ENERGY COMMISSION
DEMAND ANALYSIS OFFICE
1516 NINTH ST, MS-22
SACRAMENTO CA 95814
Email: msherida@energy.state.ca.us
Status: STATE-SERVICE

Suh-Young Shin
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
505 VAN NESS AVE RM 5205
SAN FRANCISCO CA 94102-3214
Email: shn@cpuc.ca.gov
Status: STATE-SERVICE

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Total number of addressees:

NINA SUETAKE ATTORNEY
THE UTILITY REFORM NETWORK
711 VAN NESS AVE., STE 350
SAN FRANCISCO CA 94102
Email: nsuetake@turn.org
Status: APPEARANCE

LUKE TOUGAS
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST, B9A
SAN FRANCISCO CA 94105
Email: LATc@pge.com
Status: INFORMATION

PATRICIA THOMPSON
SUMMIT BLUE CONSULTING
2920 CAMINO DIABLO, STE 210
WALNUT CREEK CA 94597
Email: pthompson@summitblue.com
Status: INFORMATION

JOSEPHINE WU
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST, MC B9A
SAN FRANCISCO CA 94105
Email: jwwd@pge.com
Status: INFORMATION